

**To:** CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA;CN=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA[]; N=Tom Hagler/OU=R9/O=USEPA/C=US@EPA;CN=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA[]; N=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA[]  
**Cc:** CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]; N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]  
**From:** CN=Carolyn Yale/OU=R9/O=USEPA/C=US  
**Sent:** Fri 11/20/2009 5:00:53 PM  
**Subject:** Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.  
[BDCP\\_Draft\\_Purpose\\_Statement\\_10-23-09.doc](#)

A heads up from Mike Nepstad. (Have we had recent discussion with the COE and/or BDCP folks on Section 404?)

Will check in with Karen re follow up. (I'd say we need a preliminary talk with COE to iron out understanding re reframing purpose statement. )

C

Carolyn Yale, Ph.D.  
US EPA, WTR-3  
75 Hawthorne St.  
San Francisco, CA 94105  
phone: 415-972-3482  
fax: 415-947-3537  
yale.carolyn@epa.gov  
----- Forwarded by Carolyn Yale/R9/USEPA/US on 11/20/2009 08:39 AM -----

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>  
To: "Clay, Lisa H SPK" <Lisa.H.Clay@usace.army.mil>, Carolyn Yale/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA  
Date: 11/20/2009 08:23 AM  
Subject: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

<<BDCP\_Draft\_Purpose\_Statement\_10-23-09.doc>>

Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

I disagree with their Purposes. I think they are attempting to so narrowly define their project as to preclude looking at any alternatives other than a new canal.

I believe the Basic Purposes of the BDCP is:

- 1) Surface water supply
- 2) Establish fishery habitat

I believe the Overall Purposes of the BDCP is:

- 1) Provide a surface water supply to the South of Delta Water Users which are part of the BDCP
- 2) Establish Bay Delta fishery habitat to offset the impacts of the historic operations of the CVP and SWP

What we don't have is a description of who will get the water and the Needs of the project; How Much

Water (and when and at what quality) and How Much Fishery Habitat (and what specifically is fishery habitat in this project).

What do you all think?

If you're all in agreement with what I have here than the next step would be for us all to meet with DWR and Reclamation and NMFS and USFWS (the state and federal Lead Agencies) at a single meeting and inform them of our determination so they all hear it at once and we all are available to answer any questions they may have.

And obviously, if we're not in agreement then we'll work this out among ourselves before we meet with DWR and Reclamation and NMFS and USFWS

Carolyn and Erin, If there are others at EPA who should weigh in on this please get their input on this.

Thanks, Mike